

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

RUSSELL ZINTER; JACK MILLER;  
BRIAN HOWD; JAMES A. MEAD;  
JOSEPH BRANDON PIERCE; MARK BROWN;  
DAVID BAILEY; JUAN GONZALES JR.;  
KEVIN EGAN; JONATHON GREEN;  
JAMES SPRINGER

Plaintiffs,

VS.

CIVIL ACTION NO. 5:18-CV-0680-RCL-RBF

CHIEF JOSEPH SALVAGGIO;  
LIEUTENANT DAVID ANDERSON;  
DEPUTY JANE DOE GOLDMAN;  
OFFICER JOHNNY VASQUEZ;  
CPL CHAD MANDRY; SERGEANT JOHN DOE;  
OFFICER JIMMIE WELLS; CPL. LOUIS FARIAS,  
BADGE 534; OFFICER BRANDON EVANS,  
BADGE 556; OFFICER UZIEL HERNANDEZ;  
JOHN DOE TASER 1; JOHN DOE TASER 2 AND  
THE CITY OF LEON VALLEY, A POLITICAL  
SUBDIVISION OF THE STATE OF TEXAS

Defendants.

**DEFENDANTS CITY OF LEON VALLEY, ET AL'S  
UNOPPOSED MOTION FOR CONTINUANCE OF  
THE JURY TRIAL SCHEDULING ORDER (DKT 125)**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE ROYCE C. LAMBERTH:

NOW COMES CITY OF LEON VALLEY, ET AL, Defendants in the above entitled and numbered cause and files this their Unopposed Motion for Continuance of the Jury Trial Scheudling Order [ECF DKT. 125] and in support thereof would respectfully show unto the Court the following:

**I.**

Pursuant to the Court's Docket Text Order entered on November 23, 2021, Dispositive Motions were due by February 24, 2022. Defendant City of Leon Valley and the Individual Defendant Officers filed Motions for Summary Judgment February 24, 2022 and Plaintiffs filed a Motion for Partial Summary Judgment on February 24, 2022. Responses to said motions are due pursuant to the Local Rules of the Western District of Texas by March 10, 2022.

Currently, pursuant to the Court's Jury Trial Scheduling Order, Rule 16(e) Final Joint Pre-Trial Order is due on March 4, 2022.

**II.**

Defendants **CITY OF LEON VALLEY** and Defendants City of Leon Valley Police Officers, **CHIEF OF POLICE JOSEPH SALVAGGIO, LT. DAVID ANDERSON, SGT. JOEL URDIALES, DET. ALEX KING, CPL. CHAD MANDRY, CPL. LOUIS FARIAS, OFFICER JOHNNY VASQUEZ, OFFICER JIMMIE WELLS, OFFICER BRANDON EVANS, OFFICER UZIEL HERNANDEZ, OFFICER CLARENCE YARBOROUGH, OFFICER JORGE BRETON, OFFICER JOANN AZAR, OFFICER BENJAMIN CASTRO, OFFICER MIKE TAQUARD, OFFICER ERIKA RIVERA** move to extend the filing of the Joint Pretrial Order deadline and Final Pretrial Conference of March 18, 2022 and the trial date of March 28, 2022 since dispositive motions are currently pending with the Court. Defendants assert that the calendaring of the Motions for Summary Judgment and Partial Summary Judgment, their response and reply periods make the current Jury Trial date impractical. Defendants have conferred with Plaintiffs' counsel and Plaintiffs' counsel is not opposed to this motion.

This motion is not filed for the purpose of delay but so that this case can be for the purpose of justice.

**WHEREFORE, PREMISES CONSIDERED,** Defendants pray the jury trial scheduling order be continued to such time as when the dispositive motions have been ruled upon in accordance with the Federal Rules of Civil Procedure and for such other and further relief as they may show themselves justly entitled.

Respectfully submitted,

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CITY OF LEON VALLEY

**CERTIFICATE OF SERVICE**

I hereby certify that on the 2<sup>nd</sup> day of March, 2022, I electronically filed the foregoing Defendants City of Leon Valley Et Al's Motion to Continue the Court's trial scheduling order has been filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing and by certified mail to the non-ECF to the following:

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